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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,211	08/08/2003	Benjamin A. Pullen	2003-0483.01	5544
21972	7590	05/01/2007		EXAMINER
LEXMARK INTERNATIONAL, INC.				HASSAN, AURANGZEB
INTELLECTUAL PROPERTY LAW DEPARTMENT			ART UNIT	PAPER NUMBER
740 WEST NEW CIRCLE ROAD				2182
BLDG. 082-1				
LEXINGTON, KY 40550-0999				
			MAIL DATE	DELIVERY MODE
			05/01/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/638,211	PULLEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Aurangzeb Hassan	2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 January 2007.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-11 and 32-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-11 and 32-37 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/8/2003.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Species I, claims 1 – 11, and amended claims 32 – 37 in the reply filed on 1/22/2007 is acknowledged.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10 and 32<sup>31</sup> are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

It is unclear as to how a host can "be" a configuration utility as described in claims 10 and 32. A host is generally hardware and in order to expedite a complete examination of the instant application the Examiner will best interpret a host as containing a configuration utility therein and rejected as set forth below in anticipation of applicant amending these claims to correct the 35 U.S.C. 112, second paragraph rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 3, 7 – 11, 32 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta (US Publication Number 2003/0084132) in view of Furukawa et al. (US Publication Number 2001/0039590 hereinafter “Furukawa”).

6. As per claim 1, Ohta teaches a method of configuring a peripheral device on a network, the method comprising the acts of: sending a request from a host across the network (S701 client sends request to server for peripheral, figure 7, paragraph [0059]); receiving a response, the response including a current configuration setting of the peripheral device (client receives the transmitted configuration information from peripheral, paragraph [0059]); and determining by the host whether to configure the peripheral device (installer stores and activated in automatic install mode, paragraphs [0060-0063]), without user intervention (without any user operation, paragraph [0032]).

Ohta does not explicitly disclose the source of the response.

Furukawa teaches receiving a response from the peripheral device, the response including a current configuration setting of the peripheral device (paragraph [0019]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Ohta with the above teachings of Furukawa. One of ordinary skill would be motivated to make such modifications in order to give a

peripheral flexibility in transmitting and receiving data and commands over a network (paragraph [0011]).

7. As per claim 32, Ohta teaches a method wherein the host is a configuration utility (host comprises, printer driver activating unit is a client device program 504 which is stored in the server device 502, paragraph [0049]), and further comprising the acts of: receiving the request by the peripheral device over the network from a the configuration utility (peripheral receives installer request); sending the response to the configuration utility in response to the request (client receives the transmitted configuration information from peripheral, paragraph [0059]), the response including the current configuration setting of the peripheral device and indicating that the peripheral device recognizes the request (shows acknowledgement, s1001, figure 10); receiving a configuration packet by the peripheral device over the network from the configuration utility (s1010, figure 10); parsing the configuration packet for an updated configuration setting (s1011, figure 10); and changing the current configuration setting of the peripheral device to match the updated configuration setting included in the configuration packet (s1012, figure 1).

Ohta does not explicitly disclose that the request is a query packet.

Furukawa teaches a method wherein a request between peripheral and network is a query packet (request packets, paragraph [0019]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Ohta with the above teachings of Furukawa. One of

ordinary skill would be motivated to make such modifications in order to give a peripheral flexibility in transmitting and receiving data and commands over a network (paragraph [0011]).

8. As per claim 2, Ohta teaches a method comprising the act of: sending a configuration message from the host to the peripheral device, the configuration message including an updated configuration setting for the peripheral device, the updated configuration setting generated and sent by the host without user intervention (configuration message setup and then transmitted via virtual printer, paragraphs [0074 – 0076]).
9. As per claim 3, Ohta teaches a method wherein the configuration message includes a data payload (.dll data payload files, paragraph [0036]).
10. As per claims, 7, 8, 9 and 37, Ohta teaches a method wherein the peripheral device is selected from the group consisting of: a print server, a network adaptor, a scanner, a printer, an all-in-one-device, and a fax machine (peripheral device includes a multitude of devices, paragraph [0052]).
11. As per claim 10, Ohta teaches a method wherein the host is configuration utility (printer driver activating unit) software installed on a device (printer driver activating unit is a client device program 504 which is stored in the server device 502, paragraph

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[0049]).

12. As per claim 11, Ohta teaches a method wherein the configuration setting includes one of: a network setting (figure 12) and a device-specific setting (figure 15).

13. As per claims 33, 34, 35, Ohta teaches a method wherein the configuration settings are communicated by binary data wherein the binary data is a series of delimited text strings and is encrypted data (.dll data payload files, paragraph [0036]).

14. As per claim 36, Ohta teaches a method wherein an acknowledgment packet is sent to the configuring utility after the new configuration has been accepted (complete, paragraph [0100]).

15. Claims 4, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Furukawa further in view of Cheng (US Publication Number 2002/0078161).

16. As per claims 4, 5 and 6, Furukawa teaches a method of configuring a peripheral device on a network, the method comprising the acts of: sending a request from a host across the network via broadcast (broadcast taught as known in prior art, paragraph [0007]) and multicast (paragraph [0019])

Furukawa does not explicitly disclose the streaming mechanism/<sup>being</sup> unicast.

Cheng teaches the streaming mechanisms utilized in sending requests via unicast (paragraph [0024]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Ohta and Furukawa with the above teachings of Cheng. One of ordinary skill in the art would be motivated to make such modifications in order to allow for a more variety in a heterogeneous network in an a home and office environment (paragraphs [0007 & 0024]).

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Publication Number 2003/0149917 teaches configuration utilities for peripherals such as printers and requests associated therein.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aurangzeb Hassan whose telephone number is (571) 272-8625. The examiner can normally be reached on Monday - Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AH

TANH Q. NGUYEN  
PRIMARY EXAMINER  
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April 26, 2007